

Remarks

Applicant respectfully requests reconsideration of this application as amended.

Claims 1 and 26 have been amended. No claims have been cancelled. Therefore, claims 1-9, 26 and 27 are presented for examination.

Claims 1-3 and 7-9 and 26-27 stand rejected under 35 U.S.C. §102(b) as being anticipated by Alastalo et al. (U.S. Pub. No. 2001/0047424). Further, claims 4-6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Alastalo. Applicant submits that the present claims are patentable over Alastalo.

Alastalo discloses a method for arranging communication between terminals (MT1-MT4) and an access point (AP1, AP2) in a communication system (1) applying data transmission frames (FR). The data frames (FR) comprise at least uplink time slots (UL) for performing data transmission from the terminals (MT1-MT4) to the access point (AP1, AP2), and downlink time slots (DL) for performing data transmission from the access point (AP1, AP2) to the terminals (MT1-MT4) via a wireless communication channel. In the method, the terminals (MT1-MT4) can be allocated one or more time slots (702-707, 802-807) of said frames. In the method, the spatial signature of at least said two terminals (MT1-MT4) is determined, and in at least part of said frames (FR), at least partly simultaneous time slots (704-707, 802-804) are allocated to at least two terminals (MT1-MT4). In the method, measurements are also taken to estimate the timing and frequency offsets and the properties of the communication channel, which measurements are taken at least partly on the basis of a signal transmitted by the terminal (MT1) to the access point (AP1, AP2), wherein the results of said measurements are used to select the terminals (MT1-MT4) to which simultaneous time slots (702-707, 802-807) are to be allocated. During said measurements, the other

terminals (MT1-MT4) communicating with the access point (AP1, AP2) do not transmit a signal to said access point (AP1, AP2). See Alastalo at Abstract.

Claims 1 and 26 of the present application each recite providing a schedule of variable length packets based on transmission times to send on spatial channels to mobile stations by filling M spatial channels for traffic on M stations at a time instant, where M is a constant less than or equal to a number of antennas at the access point. Applicant submits that Alastalo does not disclose or suggest filling M spatial channels for traffic on M stations at a time instant, where M is a constant less than or equal to a number of antennas at the access point. Therefore, claims 1 and 26, and their respective dependent claims, are patentable over Alastalo.

Applicant submits that the rejections have been overcome and that the claims are in condition for allowance. Accordingly, applicant respectfully requests the rejections be withdrawn and the claims be allowed.

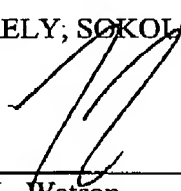
The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: March 10, 2008



Mark L. Watson
Reg. No. 46,322

1279 Oakmead Parkway
Sunnyvale, California 94085-4040
(303) 740-1980

Docket No. 42P17464
Application No. 10/749,293

-5-